

United States Court of Appeals For the First Circuit

No. 15-1728

UNITED STATES,

Appellee,

v.

JAMES JOYCE,

Defendant, Appellant.

Before

Howard, Chief Judge,
Torruella and Lynch, Circuit Judges.

JUDGMENT

Entered: December 11, 2015

Appellant James Joyce appeals from the district court's denial of his motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c). The district court correctly concluded that this court's decision in United States v. Rivera-Martinez forecloses § 3582(c) relief in this case. 665 F.3d 344, 346-48 (1st Cir. 2011) (interpreting and applying Freeman v. United States, 131 S.Ct. 2685 (2011)). We have considered carefully Joyce's argument that his case warrants a departure from the general rule of stare decisis but conclude that no exception applies. See United States v. Rodriguez-Pacheco, 475 F.3d 434, 441-42 (1st Cir. 2007) (discussing limited exceptions to general stare decisis rule that "[a] panel of this court is normally bound to follow an earlier panel decision that is closely on point"). Accordingly, because the appeal does not present a "substantial question," the government's motion for summary disposition pursuant to Local Rule 27.0(c) is **GRANTED**, and we **AFFIRM**.

By the Court:

/s/ Margaret Carter, Clerk

cc:

Seth Aframe

Jennifer Davis

Jonathan Saxe

James Joyce